United Nations A/HRC/33/L.16

General Assembly

Distr.: Limited
28 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 10
Technical assistance and capacity-building

Belgium, France, Italy,* Luxembourg,* Netherlands, Romania,* South Africa,* Spain,* United Kingdom of Great Britain and Northern Ireland: draft resolution

33/... Technical assistance and capacity building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights, and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014 and 30/19 of 2 October 2015,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) April 10, 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016 and 2301 (2016) of 26 July 2016,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international and African instruments on human rights to which they are parties,

Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing, and crimes against humanity,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

Welcoming the holding of popular consultations and the Bangui Forum on National Reconciliation, which was followed by the adoption of a republican pact and an agreement on disarmament, demobilization and reintegration signed by the representatives of the main actors in the conflict in the Central African Republic,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015 and the holding of legislative and presidential elections in December 2015 and February and March 2016, as well as the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Concerned about the ongoing fragile security situation in the Central African Republic owing to the continued presence of armed groups, and condemning in particular the recent acts of violence and crime that persist in Bangui and the incidents inside the country, which have induced forced displacement,

Gravely concerned at the critical humanitarian situation that continues to prevail, particularly the plight of displaced persons and refugees, concerned about the flow of refugees and its repercussions on the situation in neighbouring countries and other countries in the region, and equally concerned about the risk of sectarian violence,

Gravely concerned also at the human rights violations committed against the civilian population, including summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearances, the recruitment and use of children , rape and other forms of sexual violence, torture, looting, unlawful destruction of property and other serious violations and abuses of international human rights law,

Emphasizing the need to establish genuine disarmament, demobilization, reintegration and repatriation programmes, in line with a comprehensive strategy for security sector reform, and welcoming the successful conduct of preliminary activities in this field, which have contributed to reducing the presence of members of armed groups,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, with the donors' conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015, and several high-level meetings on humanitarian action in the Central African Republic,

Noting the upcoming organization of a donors' and investors' conference, to be held in Brussels on 17 November 2016,

Recalling the need for national authorities, the international community and humanitarian actors to support the voluntary return of internally displaced persons and refugees, and to ensure that this return is sustainable,

Welcoming the efforts of the African-led International Support Mission to the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the non-operational and operational military training missions of the Central African armed forces of the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African

Republic, and recalling that an in-depth investigation should be launched into the allegations, and that those responsible for these acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero tolerance policy of the United Nations on exploitation and sexual abuse,

Stressing the urgency and the imperative of ending impunity in the Central African Republic, and of bringing to justice the perpetrators of violations and abuses of human rights and violations of international humanitarian law, and the need to strengthen national mechanisms to ensure accountability of perpetrators, including the effective and swift installation of the special criminal court,

Emphasizing the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is party, and taking note of the decision of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic, and on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the decision of the Central African authorities to give effect to a special criminal court by December 2016,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights violations in the Central African Republic concluded that the main parties to the conflict have committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

1. *Strongly condemns* the violations and abuses of human rights that continue to be committed by all stakeholders, and stresses that those responsible for these violations must be held responsible for their actions and brought to justice;

2. *Reiterates* its call for an immediate end to all abuses and violations of human rights and illegal acts of violence committed by all parties, and strict adherence to all human rights and all fundamental freedoms and the re-establishment of the rule of law in the country;

3. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in Central African Republic,[1] and the recommendations contained therein;

4. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

5. *Welcomes* the renewal of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, and encourages it to resolutely implement a proactive and assertive approach in the protection of civilians, as enshrined in its mandate;

6. *Encourages* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

[1] A/HRC/33/63.

to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary to the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

7. *Urges* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union Military Training Mission in the Central African Republic, to adopt and implement a national security policy and a comprehensive strategy for the reform of the security sector, including prior human rights verification procedures by defence and security forces;

8. *Welcomes* the commitment made by several armed groups on 5 May 2015 to release children from their ranks and to end and prevent the recruitment and use of children, and in this regard calls upon them to implement their commitment;

9. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from armed forces and armed groups, and emphasizes the need to pay particular attention to the protection, release and reintegration of all children associated with the armed forces and armed groups;

10. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary measures to end the impunity of perpetrators of acts of violence and other violations and abuses of human rights, including by strengthening the judicial system and national mechanisms to ensure accountability;

11. *Takes note* of the decision of the Central African authorities to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction;

12. *Welcomes* the efforts made by the Central African authorities, including the adoption and promulgation of relevant legislation aimed at establishing within the national judicial system a special criminal court with competence for serious violations of human rights and violations of international humanitarian law, and urges the national authorities to take all appropriate measures to implement the act establishing the court, including its effective implementation and operational capability;

13. *Requests* the authorities of the Central African Republic to take immediate and concrete priority measures to strengthen the judiciary and to fight impunity in order to contribute to stabilization and reconciliation, including restoring the administration of the judiciary, the criminal justice system and the prison system throughout the country, ensuring that everyone has access to fair and impartial justice, and to operationalize the special criminal court as expeditiously as possible;

14. *Also requests* the authorities of the Central African Republic to continue their efforts to restore the effective authority of the State over the entire country, including the redeployment of State administration in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance;

15. *Requests* Member States and international and regional organizations to provide urgent support to the Central African authorities for the conduct of the above-mentioned reforms and the restoration of State authority throughout the territory, and notes that the pledging conference to be held in Brussels on 17 November 2016 will be an opportunity to provide that support;

16. *Urges* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, including the establishment of a truth, justice, reparation and reconciliation commission, by adopting an inclusive approach likely to allow genuine and lasting reconciliation;

17. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

18. *Calls upon* the transitional authorities to continue their efforts to protect and promote the right to freedom of movement for all, including displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

19. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgencies and priorities identified by the Central African Republic, including financial and technical support, and to pay the costs for psychotrauma treatment of people affected by the crisis;

20. *Requests* all parties to facilitate access of victim populations to humanitarian assistance and access of humanitarian actors to the entire national territory by strengthening security on the roads;

21. *Encourages* the States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors;

22. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

23. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

24. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

25. *Requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, including in two consultations with them, and with other relevant international organizations, civil society and all relevant human rights mechanisms;

26. *Also requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its thirty-fourth session, and to submit a written report to the Council at its thirty-sixth session;

27. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all financial and human resources necessary to enable her to carry out fully her mandate;

28. *Decides* to remain seized of the matter.